

Assembly Bill No. 3025

CHAPTER 471

An act to add Chapter 6.5 (commencing with Section 42390) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

[Approved by Governor September 27, 2008. Filed with
Secretary of State September 27, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3025, Lieber. Solid waste: polystyrene loosefill packaging.

(1) Existing law prohibits the sale of plastic bags labeled with the term "compostable," "biodegradable," "degradable," or any form of those terms unless the bags meet specified standards.

This bill would prohibit on and after January 1, 2012, a wholesaler or manufacturer, as defined, from selling or offering for sale, expanded polystyrene loosefill packaging in this state, unless it is comprised of a specified amount of recycled material, as defined, as provided in a schedule that would increase that percentage until January 1, 2017, when the amount would be required to be 100% recycled material.

A violation of this act would be an infraction punishable by a fine not exceeding \$1,000.

Because this bill would create a new crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Chapter 6.5 (commencing with Section 42390) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 6.5. EXPANDED POLYSTYRENE LOOSEFILL PACKAGING

42390. (a) For purposes of this chapter, the following definitions shall apply:

(1) "Manufacturer" means a person who manufactures expanded polystyrene loosefill packaging material for sale in this state.

(2) "Recycled material" means feedstock material from any of the following that has been diverted from landfill disposal:

(A) Material derived from a finished polystyrene product that has completed its intended end use and product life cycle.

(B) Material derived from a blemished, flawed, or otherwise unusable finished polystyrene product.

(C) Material derived from manufacturing and fabrication scrap from production of a finished polystyrene product.

(3) “Wholesaler” means a person who purchases expanded polystyrene loosefill packaging for resale in this state.

(b) Except as provided in subdivision (c), on and after January 1, 2012, a wholesaler or manufacturer shall not sell or offer for sale in this state expanded polystyrene loosefill packaging material.

(c) Subdivision (b) does not apply to expanded polystyrene loosefill packaging materials that complies with the following requirements:

(1) On and after January 1, 2012, until December 31, 2013, inclusive, it is comprised of at least 60 percent recycled material.

(2) On and after January 1, 2014, until December 31, 2016, inclusive, it is comprised of at least 80 percent recycled material.

(3) On and after January 1, 2017, it is comprised of 100 percent recycled material.

(d) A wholesaler or manufacturer who sells or offers for sale at retail in this state expanded polystyrene loosefill packaging material in violation of this chapter is guilty of an infraction and shall be punished by a fine not exceeding one thousand dollars (\$1,000).

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.